

**BOARD OF SELECTMEN
MEETING MINUTES**

5/1/12

J-15 _____ SMM

The Board of Selectmen met in the Joseph F. Bilotta Meeting Room, Town Hall as scheduled with David Matthews, Steven M. deBettencourt, Paula Bertram, Tom Alonzo, and Town Manager Kerry Speidel present.

Absent was Carl "Ernie" Sund.

Regular Meeting opened at 7:00 PM with the Pledge of Allegiance.

PUBLIC COMMENT

Mr. Alonzo informed the public about the upcoming Lunenburg Boys & Girls Club/Teen Center Auction which will be held at the Bull Run Restaurant in Shirley MA, on May 3, 2012 at 6 p.m.

Jackie Ramondelli, 599 Reservoir Rd., voiced her concerns about the automated phone calls which were sent out by the Superintendent's office informing residents, with students in the Lunenburg school system, about the upcoming Town Meeting and the importance of attending. She stated that she did not support the override and that using the phone system for anything other than school announcements for closings and emergencies was not the correct way to utilize this system. Her thoughts were that if it was being used for political purposes, then the opponents of the override should be able to use it also. She feels that people who are in support of the override can make donations to the town/school in order to support it.

Ms. Speidel responded that this system can be used for municipal informational purposes but not by the general public.

Loxi Jo Calmes, School Superintendent, said that she wanted to make it clear that it was not a political statement, and then read the announcement into record which was sent out via the automated phone call to residents.

Carol Hatch, 41 Hilltop Lane, said that she has been laid off from the Lunenburg School System and is currently unemployed. She said that she is struggling with her vote decision but will still support the override because she has seen what happens when you don't spend the money to maintain the buildings and does not want to see the schools go without what is needed.

Linda Vickery, 71 Arbor Street, asked Mr. deBettencourt "without the override and the budget being presented, how is that going to move Lunenburg forward?" Mr. deBettencourt responded that he was "not looking at moving Lunenburg forward with an override where ¾ of it will be going towards salaries." Discussion ensued about classroom size and the number of students who have left/entered the school system.

Ms. Calmes referred people to the school's website and confirmed that enrollment is increasing then explained where the increases are coming from. She stated that this override is not driven by the salaries and that it is not accurate to point towards the salaries as being the budget busters.

Mr. Alonzo stated that he could not speak to what amount of the override was going towards salaries but that it is not a surprise that in private corporations as well as municipal America salaries are the "lions share" of what you do because the people provide the services. He thinks the focus should be on the services that those people provide, who may or may not be there depending on how the override goes. He still would like to know if the override does not pass, does this take Lunenburg in a positive direction?

Mr. deBettencourt stated that he has to run the numbers again and still questioned where a surplus of \$1.4M is going after a 3% increase in salaries. He feels he has not gotten answers to that question.

Mike Mackin, said that \$300,000 of the \$1.2M that will be going to salaries, which can be attributed to union contract increases. The deficit for the \$1.2M is after the Chapter 70 monies have been figured in.

Mr. Matthews read an update from the school department on where the monies have been spent and stated that the facts should drive this discussion.

Greg Berthiame, 1084 Mass Avenue, stated that he is a school committee member and is concerned that people feel that the school budget has not been clearly explained. They have had budget hearings, discussions at a number of public recorded meetings and that the data is all on the school dept. website for anyone to see. He said that this has been a clear, open, transparent process that they have been working on since September of last year. He can't force people to read, listen or pay attention to what's been going on but he will not tolerate anyone saying that the process has not been open, public & clear.

ANNOUNCEMENTS

APPOINTMENTS

7:00 p.m. Candidates for Clock Winders: John Lynch; Thomas Mrowka – John Lynch, 453 Page St. stated that he is a watch maker and owns and watch and jewelry repair store and has been running that business in town for approximately 24 years. He would like to be one of the clock winders appointed this evening.

Thomas Mrowka, Cross Rd., stated that he has been working on the clock with Mr. Dettenrider for the past two years. He then told the BOS that his background was in finance and that he thought the BOS had a lot to learn about budgeting. Mr. Alonzo told him that there were also openings on the Finance Committee and they would like someone with that kind of background on the finance committee. Mr. Mrowka also asked what happened to the procedure that was in place in 1969 that if you lived on a fixed income, your taxes would automatically be cut in half. He would like to see that be put back in place.

Mr. Alonzo moved that the BOS appoint both John Lynch and Thomas Mrowka as clock winders. Mr. deBettencourt seconded. On vote, motion carried 4 in favor, 0 opposed.

STM Article 20 (Discussed out of order): Harold Scheid, Principal Assessor for the Town of Lunenburg spoke to this article to explain that the purpose of the article is to set a threshold for personal property taxation. He said that Lunenburg has a number of small businesses that have small collections of personal property such as desks & file cabinets which are assessed a tax.

At this time Ms. Bertram recused herself from this discussion.

He went onto say that the tax could be as little as \$5 or less and tax payers were asking why such small taxes were levied upon this equipment when the cost of postage and collections exceed the revenue that is brought in. He said that this article, if passed, invokes a Mass General Law that allows the town to exempt property taxes where the valuation falls below the recommended threshold of \$2500. Discussion began on why this article should be passed or not regarding loss of revenue to the town.

Bob Ebersole, 94 Main Street, spoke and asked when they assess all the properties and set the tax rate, is it the same tax rate for personal property as is residential, to which Mr. Scheid replied yes. Mr. Ebersole then said that if you eliminate parcels, he thinks that you would redistribute this income across all the property and not lose the income. He said that you would not reduce taxes, just eliminate the administrative delivery of them and then the \$3,000 would be spread across all properties in the entire town.

Mr. Alonzo motioned to recommended disapproval of STM Article 20. Mr. deBettencourt seconded.

Discussion: Mr. deBettencourt stated that he thinks there is validity to the idea of getting rid of the low end bills.

On vote, motion passed, 2 in favor, 1 abstention (deBettencourt)

7:10 p.m. Sewer Commission to review warrant articles – Robert Ebersole, Chairman of the Sewer Commission, reviewed with the Board the context of the sewer commission article for the proposed bylaw regarding connection eligibility. This article states that when a person requests to be connected to the sewer, the connection must come from that person's property, onto the sewered way, and will not connect through another property through means of an

easement. Ms. Bertram moved to recommend approval. Mr. deBettencourt seconded. On vote, motion carried, 4 in favor, 0 opposed.

8:00 p.m. (Taken out of order) Chief Bourgeois, Patrol Officer Appointment – Police Chief Dan Bourgeois spoke and asked for the Board consideration of Officer Josh Tocci to fill a vacant, full time position on the Lunenburg Police force. He gave a history of Officer Tocci's involvement with the department along with his education background. He stated that Officer Tocci was one of four candidates interviewed for the job by the Union President, Town Manager, Lt. Marino, and the two Police Sergeants. It was a unanimous decision that Officer Tocci was the number one candidate for the position.

Officer Tocci spoke to the BOS and said that he has served on the Lunenburg Police Dept. for the past 8 years. He said that he grew up in Lunenburg and it has been an honor to serve the community. He is looking forward to the next 8 years and giving the best service he can offer.

The BOS congratulated and thanked Officer Tocci which was followed by applause from the audience.

Ms. Speidel asked the BOS to take a vote to ratify the appointment under section 4-2[d] of the Town Charter. Mr. Alonzo moved to ratify the appointment. Ms. Bertram seconded. On vote, motion carried, 4 in favor, 0 opposed.

7:20 p.m. PACC to review warrant article – Lance May, Chairman of PACC, explained to the Board why they were present this evening which was concerning article 25 on the STM warrant. He stated that the amendments were largely "house keeping" that were left over from a STM 12/5/07. He said that the Attorney General had given recommendations on the changes. Mr. May introduced PACC members, Fred Crellin and Rhonda Lisio and they explained the changes they were seeking to make. They would like to delete Article 4 section 3 of the PACC bylaws which concerns term limit policy and to change language in Article 5 section 1 which deals with set meeting times. Corrections to section 4 of the original PACC bylaw concerning the Open Meeting Law need to be corrected because it quotes the wrong chapter of Mass General law. Also language corrections needed to be made in Article 7 Amendments.

Discussion ensued where Mr. Alonzo recommended that the word "monthly" be left in Article 5, section 1. He feels that there should be a definitive term as to when the meetings are held.

Ms. Bertram motioned to recommend approval of article 25. Mr. Alonzo seconded. On vote, motion carried, 4 in favor, 0 opposed.

CURRENT BUSINESS

1. FY2013 Budget & Override; Review & Recommendations on Town Meeting Warrant Articles –

The Town Manager informed the BOS that they still need to make recommendations on STM articles 2, 3 & 7. Article 2 and Article 3 will be passed over.

Ms. Speidel presented information and spreadsheets concerning Article 3 with budget adjustments that she wished to review with the BOS for current fiscal year. Under Mass General Law, These adjustments can be handled internally and will not need to be presented at the Annual Town Meeting. Ms. Speidel mentioned the Choice & Charter Tuitions which have had another increase of \$49,532 due to another growth in enrollment as of April 15, 2012. She believes that due to a lower than projected enrollment in health insurance, this shortfall should be able to be covered and that these increases/adjustments are problematic. The spreadsheet which was distributed to the BOS detailing actions needed to close out FY2012 and any changes, increases, or savings in various line items was discussed. The Town Manager stated that if these numbers hold, and if revenues come in as projected, the Town can expect to see a small of amount of Free Cash certified at year end.

Mr. Matthews requested that the snow and ice/October storm expenses be closed out as well. Ms. Speidel said that she is still working on reviewing the finalized submission for FEMA. She said the numbers presented on the spreadsheet assume that 75% of 100% the expenses incurred will be reimbursed by FEMA.

STM Article 7 was discussed concerning the transfer from free cash a sum of money to fund extraordinary unemployment benefits incurred as a result of layoffs in FY10, FY11 or FY12. The unemployment expenses were lower than expected and upon investigation it was found that employees laid off in 2011 qualified for extended benefits funded by the federal government, which in turn made the employees disappear from the monthly invoices which are received from state unemployment. When the federal benefits of these employees were exhausted, they showed up again on the monthly state

invoice. Due to this process the unemployment expenses in 2012 are more than what was anticipated. The expenses on the town side can be covered within existing appropriations due to lower than expected costs in health insurance however the schools cannot cover their deficit due to higher than expected special education costs.

Ms. Bertram motioned to recommend approval of Article 7. Mr. Alonzo seconded. Discussion: Mr. Alonzo said that it makes sense that we appropriate this and that we are still well below the combined appropriations for unemployment benefits. On vote, motion carried, 4 in favor, 0 opposed.

Ms. Speidel informed the Board that they had not made a recommendation on the Sewer Enterprise budget because they had not received the amounts to be appropriated. She referred them to page 7 of the motion sheet concerning Article 15 where the amounts are now included for a total amount of \$643,726. Mr. Alonzo motioned to recommend approval for Article 15. Ms. Bertram seconded. On vote, motion carried, 4 in favor, 0 opposed.

STM Article 21 which asks for the town to appropriate a sum of money from the Zoning Incentive Stabilization Fund to fund the Town's share of the 25% design fee (\$138,700.) for the reconstruction of Summer St. was discussed. Ms. Bertram motioned to recommend approval of Article 21. Mr. Alonzo seconded. On vote, motion carried 4 in favor, 0 opposed.

Discussion commenced concerning the Solar Bylaw Amendment. Ms. Bertram stated that there was a public hearing the previous night on the petitioner's article and some continued discussion on the Planning Board article. She said that the consensus was by both the petitioners and the Planning Board that if it were possible to present one complete bylaw at town meeting it would be in everyone's best interest. She said that there was some consensus to changes to the Planning Board article relative to security cameras and abandonment. Ms. Bertram felt that the meeting was very good but as a citizen herself she still has concerns about the special permit component of the planning board article. She believes that the Planning Board article, with changes, will be put forth on the floor at town meeting and the petitioner's article will be passed over. The Planning Board has a scheduled, posted, meeting planned at 8AM before the Town Meeting at the High School to discuss the special permit component of the bylaw. Mr. Alonzo stated that he also had discussions with the Planning Board Director along with another member of the Planning Board where he voiced his concerns about the special permitting in the bylaw.

Mr. deBettencourt stated that in the warrant, concerning Article 9 and stabilization funds, it states that all that's needed is a simple majority vote for this to pass. He stated that he researched the internet and found information from DOR that says this would require a 2/3 vote in order to pass. He then distributed an information package to the members, which explains the process of overrides where stabilization money will be appropriated into certain funds and how the questions should be set up. He believes that Article 9 does not follow the outline of this guideline.

Ms. Speidel said that the reason for having Town Counsel and the Moderator review the motions is to make sure that we identify the correct majority that is needed for a vote. They will be reviewing these tomorrow and will give final approval on Thursday and she will point out this issue to them to for review.

Mr. Matthews suggested that this issue be tabled until Town Counsel and the Moderator have a chance to look at this information which was brought forward by Mr. deBettencourt.

2. Review/Approve 1-Day Liquor License for St. Boniface Church for Italian Festival, June 1, 2012 –

Ms. Speidel explained that this is an annual event that has been reviewed and approved by the Police Chief and that there has never been an issue at any of the events. Ms. Bertram motioned to approve the 1 day liquor license for St. Boniface Church for the Italian Festival on June 1, 2012. Mr. deBettencourt seconded. On vote, motion carried, 4 in favor, 0 opposed.

3. Review/Approve Dual Representation Agreement, Review of Town of Townsend Paramedic Service Agreement –

Ms. Speidel explained that when Lunenburg's Town Counsel is asked to review an issue for another town which they represent, that involves us, they are required to disclose this issue to the BOS to ask permission to do so. In this case the Town of Townsend is looking at putting together an inter-municipal agreement for paramedic services.

Ms. Bertram motioned to approve the Dual Representation Agreement as forwarded by Town Counsel for the Town of Townsend. Mr. deBettencourt seconded. On vote, motion carried, 4 in favor, 0 opposed.

4. Confirmation of votes taken a April 17, 2012 BOS Meeting

a. Pole Location, Leominster-Shirley Road, Pole No. 5

- b. Waiver of Fee for Ambulance Service for transport of Municipal Personnel on May 5, 2010**
- c. Recommend approval of STM Article 1**
- d. Establishment of Memorial Day Committee**
- e. Request for Road Block from Lions Club 5/12/12**
- f. Warrant #61; Town Meeting Warrant; Town Election Warrant**
- g. Peddler's License & Common Victualler's License for Rick's Foods d/b/a Harry's Roadside**

A complaint was made regarding the posting of the April 17, 2012 meeting by the Sentinel & Enterprise newspaper. Upon review of the posting with Town Counsel, their recommendation was that there is no need to take a confirmation vote if the BOS so chooses. The Town Manager reviewed the events leading up to this complaint and the BOS agreed that the agenda was duly posted and there is no reason to confirm these votes.

5. Minutes/Warrants/Action File Issues – The following minutes and warrants were presented for approval.

- 1. Minutes: 1/24/12, 4/17/12, & 4/24/12
- 2. Warrants – W # 63-12 \$411,313.63 5/1/12
- 3. Action File Issues – None

6. Committee Report – None

7. Department Reports - None

8. Town Manager Reports- Ms. Speidel reported that she had two pieces of good news. The first being that the Town will be refunding the 2003 General Obligation Bond Issue which will provide significant savings to the town. This bond issue contains the Primary School and the Public Safety Complex and that the estimated net savings to the town will be \$681,566.32. This is a 100% exempt issue, and it will reduce property taxes over the next 10 years remaining on that bond issue.

The next item is in regards to the Municipal Electric Aggregation Program. Bids were taken last week for the next 6 month program and they had received very favorable rates. The rate which residential customers will be paying under this program will be 5.85 cents per KW which is a 25% reduction over the existing rate. With this rate Lunenburg will have the lowest supply rates within the state of Massachusetts. There are 4486 customers that are eligible. There were 69 customers that had opted out prior to enrollment, and another 16 opted out after enrollment which makes a 1.8% opt out rate. Fourteen of the opt outs were commercial and the rest were residential, which represents a 4% opt out for businesses. Most of the opt outs were farm customers and will receive the "farm rate" which is 90% of Unitil's standard rate. Ms. Speidel requested that when it is time to go out to bid again, the farm rate bid will also be looked at.

A notice was received from the Mass Dept. of Agricultural Resources, Agriculture Preservation Restriction program (APR) which Ms. Speidel read. The APR is considering acquiring an interest in approximately 73 acres of land for inclusion in the APR program. The property in question is located on assessors map 38 lot 17 and map 33 lot 6, Northfield at Chase and New West Townsend Rd. This is a private individual attempting to put his property under the APR restriction.

OLD BUSINESS

APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS – None

Mr. Matthew reminded the public that Town Meeting is Saturday May 5, 2012 beginning at 9AM at Lunenburg High School and that voting will take place on May 19, 2012 from 7AM-5PM at the Elementary School.

Mr. Matthews commented that there has been a lot of discussion about the override and wanted to point out that the discussions from the supporters of the override have been about facts, figures and data about how the money is spent, where any additional money will go and how we got behind the eight ball as related to inflation concerns and reductions in state aid. He said that he has seen a lot of "Just Say No" signs and heard discussions about bad decisions being made years ago to get us to this point and would like to hear from the people who don't support the override what their reasons are. He would like people to consider the facts, look at the data, and come to a conclusion their support of the override or not. He said that this problem does not go away and the sooner we can control it, the lower the cost will be.

EXECUTIVE SESSION –

1. Under M.G. L. Chapter 39, Section 23B (3), Mr. Matthews moved that the BOS go into Executive Session, not to return, to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigating position. Also to conduct strategy session in preparation for negotiations with non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel. Also to consider the purchase, exchange or lease for value of real property. Mr. deBettencourt motioned to adjourn. Ms. Bertram seconded. On vote, motion carried, 4 in favor, 0 opposed.

Meeting adjourned at 9:52 p.m.

UPCOMING MEETING SCHEDULE

May 5, 2012 Annual Town Meeting
May 22, 2012

May 8, 2012
June 5, 2012

May 15, 2012
June 12, 2012

Respectfully submitted,
Susan Doherty, Recording Secretary
Board of Selectmen